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Honorable Marc L. Barreca
Chapter 7

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

HAROLD A. COVINGTON,

Debtor.

WILLIAM W. WILLIAMS,

Plaintiff,

vs.

HAROLD A. COVINGTON,

Defendant.

NO. 14-11682-MLB

ADVERSARY
CASE NO.

COMPLAINT TO DETERMINE
DISCHARGEABILITY OF DEBT

COMES NOW William W. Williams ("Williams"), and for his Complaint to Determine Dischargeability of Debt, alleges as follows:

I. JURISDICTION AND VENUE

1.1 This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 151, 157 and 1334 and 11 U.S.C. §523. Venue is proper in this Court pursuant to 28 U.S.C. §1409(a). This is an action to declare Harold A. Covington's ("Covington") debt to Williams nondischargeable under the applicable subparagraphs of 11 U.S.C. §523(a) and as such, is a core proceeding pursuant to 28 U.S.C. §157.

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT -1

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1 II. PARTIES

2 2.1 Williams is a married man residing in Johnson County, Tennessee, and is a
3 creditor in this Chapter 7 proceeding.

4 2.2 Covington is a single man residing in Kitsap County, Washington, and is
5 the Debtor in this Chapter 7 proceeding.

6 III. FACTS

7 3.1 Covington filed his petition for relief under Chapter 7 of Title 11 U.S.C. on
8 March 7, 2014.

9 3.2 Williams is a creditor of Covington by virtue of a Final Monetary Judgment
10 entered on April 28, 1998 (the "Judgment"), entered against Covington, in that certain
11 case entitled *William W. Williams v. Harold A. Covington* in the General Court of Justice,
12 District Court Division for Wake County, North Carolina, Case No. 96 CVD 11027 (the
13 "Court Case"). A true and correct copy of the Judgment is attached hereto as **Exhibit A**
14 and incorporated herein by reference. The Judgment was entered in connection with the
15 Summary Judgment dated October 3, 1997 entered in the Court Case (the "Summary
16 Judgment"). A true and correct copy of the Summary Judgment is attached hereto as
17 **Exhibit B** and incorporated herein by reference.

18 3.3 On February 8, 2013, an amended judgment was entered in favor of
19 Williams against Covington in the General Court of Justice, District Court Division for
20 Wake County, North Carolina (the "Amended Judgment"). The Amended Judgment
21 represents a new order on the Judgment entered in the Court Case, as permitted by the
22 laws of North Carolina. A true and correct copy of the Amended Judgment is attached
23 hereto as **Exhibit C** and incorporated herein by reference.

24 3.4 On October 4, 2013, a Judgment Summary re Amended Foreign Judgment
25 (the "Judgment Summary") was filed in Thurston County Superior Court, Case No. 05-2-
26 02190-7, pursuant to Washington's Uniform Enforcement of Foreign Judgments Act, RCW

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT -2

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1 6.36, *et. seq.* A true and correct copy of the Judgment Summary is attached hereto as
2 **Exhibit D** and incorporated herein by reference. As set forth in the Judgment Summary,
3 the expiration of the Amended Judgment is February 8, 2023.

4 3.5 As set forth in the Judgment, Covington “has and continues to intentionally
5 publish false and libelous defamation about [Williams], in direct violation of the injunction
6 issued against [Covington].” The Court in the Court Case therefore entered judgment in
7 favor of Williams and against Covington for compensatory damages in the amount of
8 \$10,088, and for punitive damages in the amount of \$100,000.

9 3.6 Between January 1993 and August 1996, Covington published certain false
10 and defamatory statements regarding Williams. In October 1996, Williams filed his
11 Complaint (the “Complaint”) in the Court Case. A true and correct copy of the Complaint is
12 attached hereto as **Exhibit E** and incorporated herein by reference.

13 3.7 As set forth in the Complaint, the statements published by Covington were
14 false and defamatory, published with actual malice and without privilege, and resulted in
15 injury and damage to Williams and his reputation.

16 IV. CAUSE OF ACTION PURSUANT TO 11 U.S.C. §523(a)(6)

17 4.1 Williams realleges all allegations contained in the preceding paragraphs.

18 4.2 As alleged above, Covington willfully and maliciously caused injury to
19 Williams. To wit, Covington repeatedly published false and defamatory statements
20 regarding Williams, which statements were made with actual malice and without privilege,
21 and resulted in actual damage to Williams. Covington’s acts constitute willful and
22 malicious injury by a debtor to another entity or to the property of another entity.

23 4.3 As a proximate result of Covington’s false and defamatory statements,
24 Williams sustained damage and loss of reputation. Covington’s monetary obligations to
25 Williams as set forth in the Judgment, Amended Judgment and Judgment Summary
26

COMPLAINT TO DETERMINE DISCHARGEABILITY OF DEBT -3

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1 (collectively, the "Judgments") are not subject to discharge under 11 U.S.C. §523(a)(6).

2 V. RELIEF REQUESTED

3 **WHEREFORE**, Williams prays for the following relief:

4 5.1 That the Court enter a judgment in favor of Williams and against Covington
5 based on the Judgments and in the amounts set forth therein, plus interest accruing
6 thereon as provided in the Judgments;

7 5.2 That the Court declare the Judgments nondischargeable obligations of
8 Covington to Williams pursuant to 11 U.S.C. § 523(a)(6);
9

10 5.3 That the Court award Williams his reasonable attorney's fees and costs
11 incurred herein; and

12 5.4 That the Court grant Williams such other and further relief as the Court
13 deems just and proper under the circumstances.

14 DATED this 30th day of April, 2014.

15 MICHAEL D. BOHANNON, PLLC

16
17 /s/ Michael D. Bohannon

18 Michael D. Bohannon, WSBA #14274
19 Attorney for William W. Williams
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